

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

-----	:	
UNITED STATES OF AMERICA	:	
	:	CASE NO. 5:05-CR-494
Plaintiff	:	
	:	
-VS-	:	
	:	
JOHN PLUMMER	:	<u>ORDER ACCEPTING PLEA AGREEMENT</u>
	:	<u>AND JUDGMENT AND NOTICE OF</u>
Defendant	:	<u>HEARING</u>
-----	:	

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Kenneth S. McHargh regarding the change of plea hearing and plea agreement of John Plummer which was referred to the Magistrate Judge with the consent of the parties.

On 12 October 2005, the government filed a two-count indictment against John Plummer for receipt and distribution of child pornography in violation of 18 U.S.C. § 2252A(a)(2), and possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B). On 26 October 2005, a hearing was held in which John Plummer entered a plea of not guilty before Magistrate Judge James S. Gallas. On 18 April 2006, Magistrate Judge Kenneth S. McHargh received John Plummer's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. John Plummer is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, John Plummer is adjudged guilty of Counts One and Two in violation of 18 U.S.C. § 2252A(a)(2) and 18 U.S.C. § 2252A(a)(5)(B).

Sentencing will be:

10 July 2006 at 11:30 a.m.

**Courtroom 18-A
18th Floor, United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113**

IT IS SO ORDERED.

Dated: 2 June 2006

/s/Lesley Wells
UNITED STATES DISTRICT JUDGE